

Application No. 10/621,817  
Response dated January 3, 2005  
Reply to Office Action of October 1, 2004

### **AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to Fig. 1-3. The annotated sheets indicate the changes made. In Figure 1, the line designation for reference numeral 36 has been revised to identify the inner facet of the second gripping flange more clearly. In Figure 2, the line designation for reference numeral 44 has been revised to clearly identify the raised portion of the cavity base. In Figure 3, the reference numerals 44 and 46 have been modified to clearly identify the raised portion of the cavity base and the rim gripping region, respectively.

Attachment: Annotated Sheets Showing Changes

## REMARKS

Claims 1-20 are pending in the application. By this amendment, Applicant has amended claims 1, 3, 9 and 12-15, and canceled claim 2. Support for the amendments to the claims can be found throughout the application. Amendments to the claims are being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any of the rejections by the Examiner. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application.

### Drawings

In the Office Action, the Examiner has objected to the drawings. Specifically, the Examiner asserts that the drawings do not clearly show the holding extensions, and alleges that the shape of the holding extensions is indefinite because each holding extension looks slightly different. The Examiner also states that some of the holding extensions look curved while others look straight. Additionally, the Examiner states that the gripping points that have reference numerals appear to come to a point, while the other gripping points look very curved.

Applicant appreciates the observations provided by the Examiner. Applicant notes, however, that the drawings depict one representative embodiment of the present invention, and are provided for purpose of illustration and not limitation. Indeed, the various features referenced by the Examiner need not be identical from one cavity to the next of the present invention. Additionally, Applicant respectfully notes that any perceived distortions suggested by the Examiner in the drawings are likely the result of the views presented. The various aspects of the present invention are clearly defined by the drawings and disclosure, when considered as a whole. For purpose of convenience and comparison, however,

Applicant provides herewith as Exhibit A, two photographs of the representative embodiment of the cupholder of the present invention.

With regard to the drawings, the Examiner also suggests that it is not clear what features are referenced by the reference numerals "44", "46" and "48". Applicant has amended Figures 2 and 3 to identify more clearly the features referenced by reference numerals "44", "46" and "48".

Based upon the above, Applicant respectfully requests that the objection to the drawings be withdrawn.

#### Specification

The Examiner has objected to the disclosure on page 6, lines 11-17, because the difference between the "rim gripping region", the "rim support region" and the "raised portion" allegedly is not clear. The Examiner asserts that the drawings do not further facilitate the understanding of these features.

In order to advance prosecution, Applicant has amended the paragraph at page 6 beginning at line 11 to correct for a typographical error and to clarify the difference between the "rim gripping region", the "support region" and the "raised portion." Applicant, therefore, respectfully requests that the objection to the specification be withdrawn.

#### Claim Rejections

In the Office Action, the Examiner rejected claims 1-20 as being anticipated by U.S. Patent No. 6,398,056 to Letourneau ("Letourneau").

Applicant respectfully disagrees with the rejection raised by the Examiner. Applicant has amended independent claim 1 to more clearly define the invention. The instant invention, as recited in amended independent claims 1, 9 and 15, is directed to a cupholder

having, among other things, first and second gripping flanges extending inwardly from at least one holding extension, each of said first and second gripping flanges having an inner facet and an outer facet with a facet interface edge therebetween.

Applicant submits that Letourneau does not disclose or suggest a cupholder having first and second gripping flanges extending inwardly from at least one holding extension, each of said first and second gripping flanges having an inner facet and an outer facet, said inner and outer facets meeting at a facet interface edge.

Referring to Figures 1 and 2, by way of example only, the cupholder of the present invention includes, among other things, at least one holding extension 18 having first 24 and second 26 gripping flanges extending inwardly from the holding extension. These gripping flanges are formed to grip cups or other containers when inserted into the cavity. The gripping flanges are distinct members that include two facets, an inner facet 36 and an outer facet 38. The inner and outer facets define the shape of the gripping flanges. Each pair of inner and outer facets meet at a facet interface edge 40, which extends along the gripping flange. The facet interface edge is a defined area that is configured to be biased against a container that is inserted into the cupholder, so as to engage and hold the container in place within the cavity.

By contrast, Letourneau discloses a cupholder having a plurality of planar stabilizing walls sloping inwardly from a stabilizing shoulder. Each stabilizing wall yields when a cup is inserted into the cup-holding socket to hold the cup in the socket. Letourneau does not disclose first and second gripping flanges having an inner facet and an outer facet with a facet interface edge therebetween to engage a container inserted into the cavity, as in the present invention. Instead, Letourneau discloses a single stabilizing wall, wherein the entire planar surface of the stabilizing wall is adapted to contact the container inserted into

the cavity. The stabilizing wall does not define gripping flanges having an inner facet, an outer facet and a facet interface edge as in the present invention.

For at least these reasons, Applicant respectfully submits that Letourneau does not anticipate or render obvious the subject matter of independent claims 1, 9 and 15.

Applicant respectfully submits that independent claim 1 is allowable over the prior art of record at least for the reasons set forth above. Claims 3-8 depend, directly and indirectly, from claim 1. Therefore, claims 3-8 include all of the limitations of claim 1, in addition to the limitations recited in each individual dependent claim. Accordingly, because claim 1 is allowable over the cited art, claims 3-8 are also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claims 3-8 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 3-8 further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 3-8 are further allowable over the prior art of record.

Applicant respectfully submits that independent claim 9 is allowable over the prior art of record at least for the reasons set forth above. Claims 10-14 depend, directly and indirectly, from claim 9. Therefore, claims 10-14 include all of the limitations of claim 9 in addition to the limitations recited in each individual dependent claim. Accordingly, because claim 9 is allowable over the cited art, claims 10-14 are also allowable for at least the same reasons applicable to claim 9. Furthermore, dependent claims 10-14 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 10-14 further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 10-14 are further allowable over the prior art of record.

Applicant respectfully submits that independent claim 15 is allowable over the prior art of record at least for the reasons set forth above. Claims 16-20 depend, directly and indirectly, from claim 15. Therefore, claims 16-20 include all of the limitations of claim 15 in addition to the limitations recited in each individual dependent claim. Accordingly, because claim 15 is allowable over the cited art, claims 16-20 are also allowable for at least the same reasons applicable to claim 15. Furthermore, dependent claims 16-20 recite additional features not disclosed or suggested by the prior art of record. Particularly, dependent claims 16-20 further specify the configuration of the gripping flanges and recite details of a raised portion at the cavity base. As such, dependent claims 16-20 are further allowable over the prior art of record.

#### Formal Request for Interview

Applicant requests an interview with the Examiner to discuss the present application and the prior art of record. Applicant's Agent Annalisa L. Altieri may be reached at telephone number (212) 294-3292 to schedule a mutually convenient date and time and to provide assistance or additional information as required.

#### **CONCLUSION**

On the basis of the foregoing amendment and remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests that the previous rejections of the pending claims be withdrawn, and that claims 1 and 3-20 be allowed. Favorable consideration and timely allowance of this application are respectfully requested.

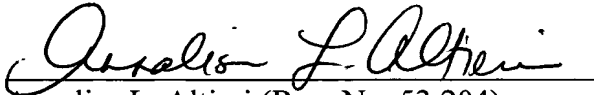
Applicant authorizes the Commissioner to charge any additional fees and/or credit any overpayments associated with this paper to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 086056-05900-USPT. Further, if a fee is required for an extension of

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time under 37 C.F.R. § 1.136 not provided for above, Applicant requests such extension and authorizes the charging of the extension fee to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 086056-05900-USPT.

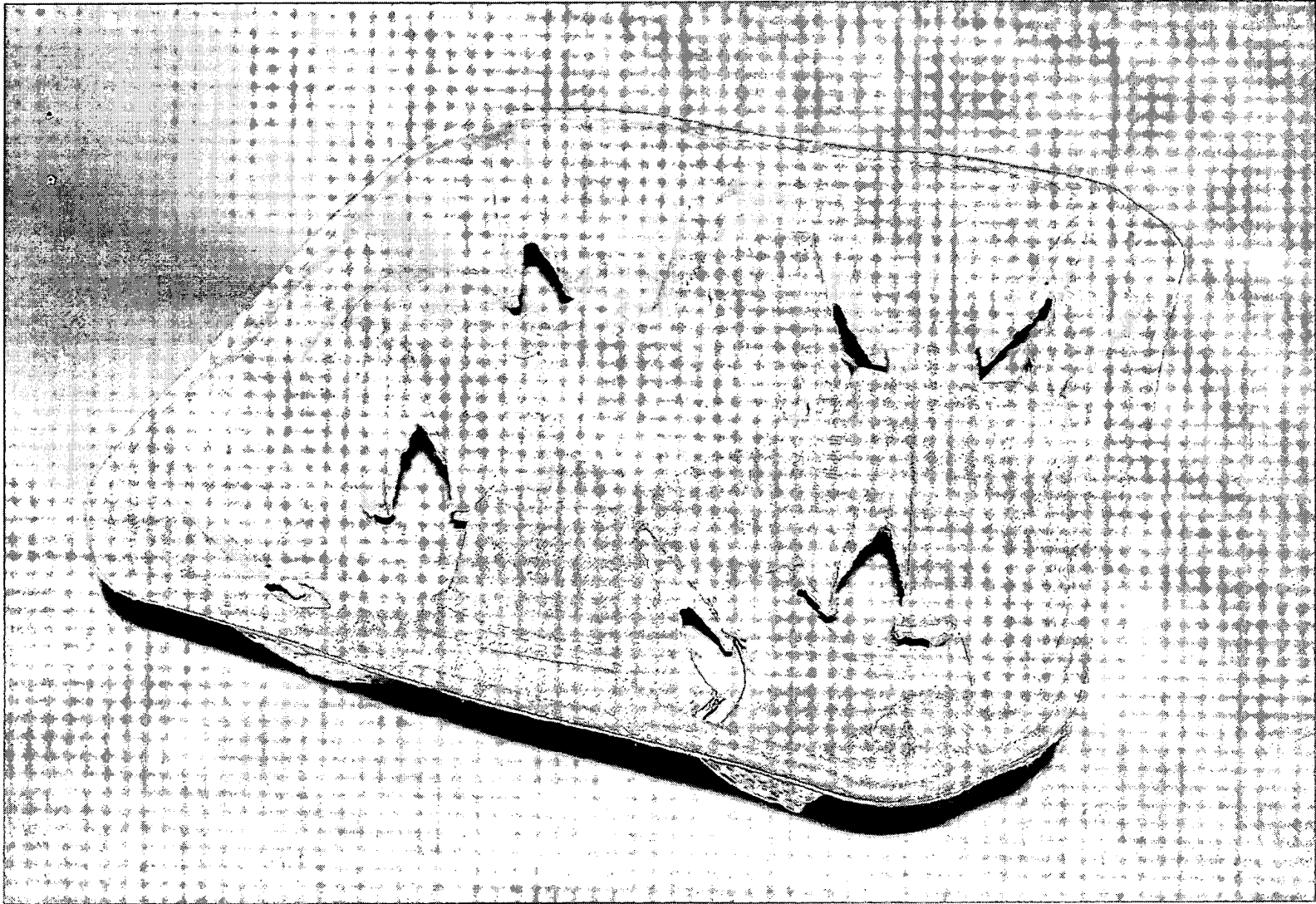
Respectfully submitted,

Date: January 3, 2005

  
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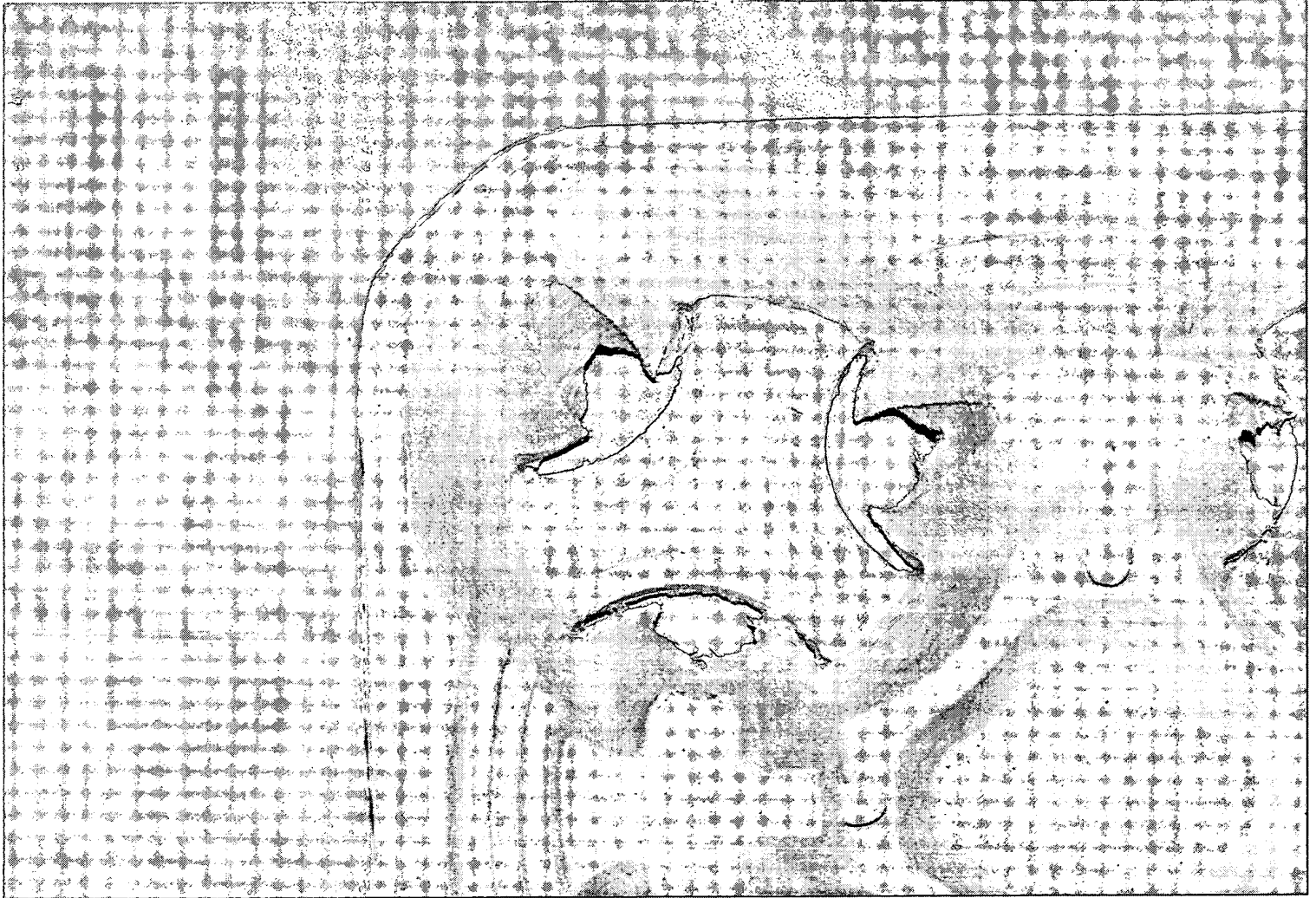
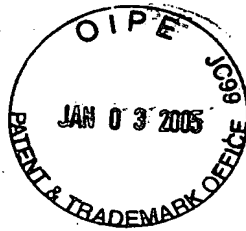
Exhibit A (1/2)



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Exhibit A (2/2)



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